

FILED/ACCEPTED

NOV - 5 2007

Federal Communications Commission  
Office of the Secretary

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	EB Docket No. 07-147
	)	
PENDLETON C. WAUGH, CHARLES M.	)	File No. EB-06-IH-2112
AUSTIN, and JAY R. BISHOP	)	NAL/Acct. No. 200732080025
	)	
PREFERRED COMMUNICATION	)	FRN No. 0003769049
SYSTEMS, INC.	)	
	)	
Licensee of Various Site-by-Site Licenses in	)	
the Specialized Mobile Radio Service.	)	
	)	
PREFERRED ACQUISITIONS, INC.	)	FRN No. 0003786183
	)	
Licensee of Various Economic Area Licenses	)	
in the 800 MHz Specialized Mobile Radio	)	
Service	)	

To: Preferred Communication Systems, Inc.

**ENFORCEMENT BUREAU'S FIRST REQUEST FOR**  
**PRODUCTION OF DOCUMENTS TO**  
**PREFERRED COMMUNICATIONS SYSTEMS, INC.**

The Enforcement Bureau ("Bureau"), pursuant to Section 1.325 of the Commission's Rules, 47 C.F.R. § 1.325, hereby requests that Preferred Communication Systems, Inc. ("PCSI"), produce the documents specified herein for inspection and copying. Production shall be made at the offices of the Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, Suite 4-C330, 445 12<sup>th</sup> Street, S.W., Washington, DC 20554 (or at some other location that is mutually acceptable to the Bureau and PCSI) within 10 days of the date of this request.

No. of Copies rec'd  
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## Definitions and Instructions

a. "PCSI" means Preferred Communication Systems, Inc., any affiliate, d/b/a, predecessor-in-interest, parent company, wholly or partially owned subsidiary, successor-in-interest or other affiliated company or business, and all directors, officers, employees, shareholders or agents, including consultants and any other persons working for or on behalf of any of the foregoing during the period January 1, 1998 through the present.

b. "Commission" means Federal Communications Commission.

c. "Document" means the complete original (or in lieu thereof, exact copies of the original) and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any taped, recorded, transcribed, written, typed, printed, filmed, videotaped, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made, including but not limited to any book, pamphlet, periodical, contract, agreement, correspondence, letter, facsimile, e-mail, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, chart, graph, photograph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minutes, marketing plan, research paper, personnel file, personnel folder, preliminary drafts, or versions of all of the above, and computer material (print-outs, cards, magnetic or electronic tapes, disks and such codes or instructions as will transform such computer materials into easily understandable form) in the possession, custody, or control of PCSI.

d. "Relate to" and "relating to" mean constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, concerns or in any way is pertinent to the specified subject, including documents concerning the preparation of the documents.

e. "All" shall be construed to include the word "any."

f. Each Document produced shall be identified by the number of the Document request to which it is responsive, and each Document shall be produced in its entirety, even if only a portion of that Document is responsive to a request herein. This means that the Document shall not be edited, cut, or expunged, and shall include all appendices, tables, or other attachments, and all other Documents referred to in the Document or attachments. All written materials necessary to understand any Document responsive to these inquiries must also be produced.

g. If a Document responsive to any request herein existed but is no longer or not currently available, or if PCSI is unable for any reason to produce a Document responsive to any request, each such Document shall be identified by author, recipient, date, title, and specific subject matter, and a full explanation shall be provided why the Document is no longer available or why PCSI is otherwise unable to produce it.

h. If any Document produced in response to any request herein is not dated, the date on which the Document was prepared shall be provided. If any Document does not identify its author(s) or recipient(s), the name(s) of the author(s) or recipient(s) of the Document shall be provided.

i. This request is continuing in nature, requiring immediate production if a further or different Document responsive to any request herein comes into the possession, custody, or control of PCSI during the pendency of this proceeding.

j. If production of any Document responsive to any request herein called for by this request is refused pursuant to a claim of privilege, the Document shall be identified by reference to its author, recipient(s) (including any person receiving a copy, regardless of whether that recipient is listed on the Document), date, and subject matter. The basis for the privilege claimed for such Document shall be specified with sufficient precision to permit assessment of the applicability of the privilege involved.

#### **Documents Requested**

1. All formation and organizational Documents relating to PCSI, including, but not limited to, articles of incorporation, by laws, minutes of corporate meetings, appointment or dismissal of directors, issuance or reclassification of stock, employee compensation, sale of major assets, dissolution, agreements, voting rights, proxies, and any and all amendments thereto.

2. All Documents relating to the participation, of any kind and to any extent whatsoever, of Pendleton C. Waugh in the formation and/or operation, day-to-day and otherwise, of PCSI.

3. All Documents that Pendleton C. Waugh signed or executed on behalf of PCSI.

4. All Documents relating to voting interests or future voting interests in PCSI.

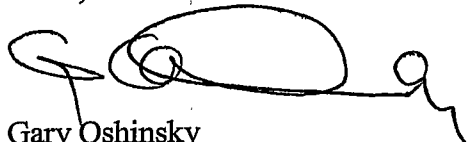
5. All Documents relating to the issuance or future issuance of shares of stock in PCSI.

6. All Documents relating to trusts for the issuance or future issuance of shares of stock in PCSI.


7. All Documents relating to the issuance or future issuance of financial interests of any kind (other than shares of stock) in PCSI.
8. All books of accounting, including payroll records, for PCSI.
9. All Documents relating to investors and investments in PCSI.
10. All Documents, including but not limited to, agreements, contracts, arrangements or understandings, relating to work performed or work to be performed by Pendleton C. Waugh, of any kind and to any extent whatsoever, on behalf of PCSI.
11. All Documents relating to compensation or consideration, of any kind and to any extent whatsoever, made, paid or promised to, Pendleton C. Waugh for work or services of any kind and to any extent whatsoever performed by him on behalf of PCSI.
12. All Federal income tax returns filed by PCSI, from January 1, 1998, to the present.
13. All Documents relating to the establishment of annual budgets, business plans, operating expenses, debt financing, and financing generally for PCSI for the years 1998 to the present.
14. All Documents related to financial accounts with any banks, financial or other institutions, groups, entities or individuals relating to the receipt, distribution, or allocation of PCSI's funds.
15. All Documents relating to hiring, firing, or supervision of the employees, officers, independent contractor, or consultants of PCSI.
16. All Documents relating to and/or evidencing Charles M. Austin's knowledge of each of the felony convictions of Pendleton C. Waugh.

17. All Documents relating to and/or evidencing Charles M. Austin's knowledge of each of the felony convictions of Jay R. Bishop.
18. All applications filed by or on behalf of PCSI with the Commission and all Documents relating to the planning, preparation, review and filing of such applications.
19. All Documents relating to customers of PCSI and/or customers of services provided by PCSI.
20. All Documents, including but not limited to leases, contracts, arrangements, commitments and/or understandings, relating to antenna towers for stations of which PCSI is or was the licensee.
21. All Documents relating to the purchase, sale and/or lease of equipment of any kind whatsoever for stations of which PCSI is or was the licensee.
22. All Documents supporting PCSI's answers to the Enforcement Bureau's First Set of Interrogatories to Preferred Communication Systems, Inc.
23. All Documents on which PCSI intends to rely to support any legal or factual premise or defense at any hearing in this proceeding.

Respectfully submitted,  
Kris Anne Monteith  
Chief, Enforcement Bureau



Gary Oshinsky  
Attorney, Investigations and Hearings Division



Anjali Singh  
Attorney, Investigations and Hearings Division

Federal Communications Commission

Enforcement Bureau  
*Investigations and Hearings Division*  
445 12<sup>th</sup> Street, S.W., Room 4-C330  
Washington, D.C. 20554  
(202) 418-1420

November 5, 2007

## CERTIFICATE OF SERVICE

Kerri Johnson a Paralegal Specialist in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has, on this 5th day of November, 2007, sent by first class United States mail or electronic mail, as noted, copies of the foregoing "Enforcement Bureau's First Request for Production of Documents to Preferred Communication Systems, Inc."<sup>1</sup> to:

Jay R. Bishop  
c/o Michelle Bishop  
1190 South Farrell Drive  
Palm Springs, CA 92264  
jaybishopps@aol.com

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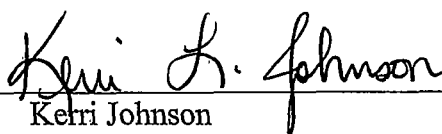
Administrative Law Judge Arthur I. Steinberg\*  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 1-C861

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<sup>1</sup> Including confidential attachments, if appropriate.



Washington, D.C. 20054

  
Kerri Johnson

\* Hand-Delivered and Courtesy Copies Sent Via E-Mail

\*\* Courtesy Copies Sent Via E-Mail (E-Mail service acceptable in lieu of hard copies  
for files 4 MB or less per agreement with counsel.)